

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GARY E. DANIELS, SR.,)	CASE NO. 1:22 CV 1373
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
)	Magistrate Judge Reuben J. Sheperd
)	
CORECIVIC, INC., et al.,)	<u>MEMORANDUM OPINION</u>
)	
Defendants.)	

On September 25, 2024, Magistrate Judge Reuben J. Sheperd issued a Report and Recommendation in the above-captioned matter (Docket #59), recommending that the Court grant the Motion for Summary Judgment filed by Defendants CoreCivic, Inc., Shannon Swanson, M.D., and Warden Douglas Fender (“Defendants”) (Docket #46.)

No objections to the Report and Recommendation were filed.

Standard of Review for a Magistrate Judge’s Report and Recommendation

The applicable standard of review of a magistrate judge’s report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case de novo. FED. R. CIV. P. 72(b) states:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rules commented on a district court's review of *unopposed* reports by magistrate judges. In regard to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."

Conclusion

The Court has carefully reviewed the Report and Recommendation issued by Magistrate Judge Sheperd and agrees with the well-reasoned findings set forth therein. The Report and Recommendation (Docket #59) is hereby ADOPTED in its entirety.

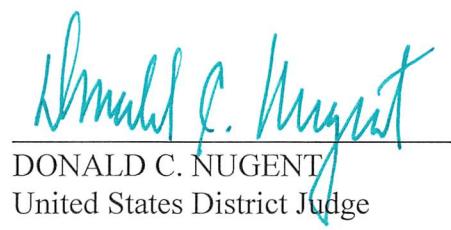
Magistrate Judge Sheperd thoroughly and exhaustively reviewed Mr. Daniels' claims in this case, along with the relevant evidence of record, carefully considering the arguments raised in Defendants' Motion for Summary Judgment and the briefing responsive thereto. Magistrate Judge Sheperd correctly determined that, pursuant to Fed.

R. Civ. P. 56(a), Defendants are entitled to judgment as to all of Mr. Daniels' claims.

The Motion for Summary Judgment filed by Defendants, CoreCivic, Inc.,
Shannon Swanson, M.D., and Warden Douglas Fender (Docket #46) is hereby
GRANTED.

This case is hereby TERMINATED

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: October 18, 2024